

Remarks

I. Status of the Claims and Support for the Amendments to the Claims

Upon entry of the foregoing amendments, claims 1, 2, 5, 10, 14-16, 33, 34, 41, 47-48, 50, 52-55, 57, 63 and 64 are pending in the application, with claim 1 being the sole independent claim. Claims 3-4, 6-9, 11-13, 17-32, 35-40, 42-46, 49, 51, 56 and 58-62 were cancelled previously without prejudice to or disclaimer of the subject matter therein. Applicants reserve the right to pursue the subject matter of these cancelled claims in one or more divisional or continuation applications. Claims 15 and 47 have been amended. Claims 57 and 63 have been withdrawn from consideration by the Examiner.

The amendment to claim 15 is sought to revise its dependency. The amendment to claim 47 is sought to correct a grammatical error. These amendments are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

II. Rejections Under 35 U.S.C. §112, Second Paragraph

In the Office Action at page 3, the Examiner has rejected claim 15 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinct claim the subject matter which Applicants regard as the invention.

In making this rejection of claim 15, the Examiner alleges that the phrase "said palindromic sequence" lacks sufficient antecedent basis for this limitation in the claim.

Applicants have amended claim 15 to depend from claim 14. Claim 14 provides sufficient antecedent basis for the phrase "said palindromic sequence" in claim 15. Applicants therefore respectfully request that the rejection of claim 15 be reconsidered and withdrawn.

III. Claim Rejections - 35 U.S.C. § 102(a)

In the Office Action at page 3, claims 1-2, 5, 10, 14-16, 33-34, 41, 47-48, 50, 52-55 and 64 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Bachmann *et al.*, US 2003/0099668 ("the '668 application").

The present rejection under 35 U.S.C. § 102(a) may be overcome by a showing under 37 C.F.R. § 1.132. To this end, Applicants submit herewith a Declaration under 37 C.F.R. § 1.132 ("1.132 Declaration") by Martin Bachmann and Katrin Schwarz, who are inventors common to the '668 application and to the present application. The Declaration states that the subject matter common to both applications was invented by Martin Bachmann and Katrin Schwarz. Thus, the disclosure of the subject matter in the '668 application which is claimed in the present application but not in the '668 application does not qualify as an invention "known or used by others" for the purposes of 35 U.S.C. § 102(a). Applicants note that Katrin Schwarz was unavailable to execute the 1.132 Declaration at the time of filing this Amendment and Reply. Applicants will provide a 1.132 Declaration executed by Katrin Schwarz immediately upon her availability. Applicants therefore respectfully request this rejection be reconsidered and withdrawn.

IV. Obviousness-Type Double Patenting

A. U.S. Appl. No. 10/465,811

In the Office Action at page 7, claims 1-2, 5, 10, 14-16, 33-34, 41, 47-48, 50, 52-55 and 64 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 4 of copending U.S. Appl. No. 10/465,811.

Applicants respectfully traverse the Examiner's rejection. However, solely to advance prosecution, and not in acquiescence to the rejection, Applicants provide herewith a Terminal Disclaimer under 37 C.F.R. § 1.32(c) of the term of any patent granted on this application which would extend beyond the expiration date of a patent granted on U.S. Application No. 10/465,811. Applicants respectfully request the consideration and entry of this Terminal Disclaimer, and the reconsideration and withdrawal of the present obviousness-type double patenting rejection.

B. U.S. Appl. No. 10/243,739

In the Office Action at page 8, claims 1-2, 5, 10, 14-16, 33-34, 41, 47-48, 50, 52-55 and 64 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Appl. No. 10/243,739.

Applicants respectfully traverse the Examiner's rejection. However, solely to advance prosecution, and not in acquiescence to the rejection, Applicants provide herewith a Terminal Disclaimer under 37 C.F.R. § 1.32(c) of the term of any patent granted on this application which would extend beyond the expiration date of a patent

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BACHMANN *et al.*
Appl. No. 10/563,944

granted on U.S. Application No. 10/243,739. Applicants respectfully request the consideration and entry of this Terminal Disclaimer, and the reconsideration and withdrawal of the present obviousness-type double patenting rejection.

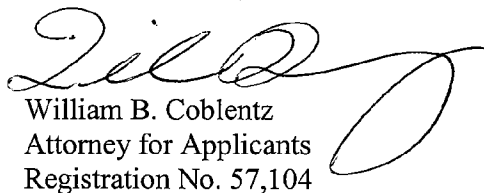
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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